

**MOTION FOR SUMMARY JUDGMENT**  
**EXHIBIT 2**  
**EMT Dominick Tolson's Deposition**

Dominick Clark Tolson

09/19/2006

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Volume: I  
Pages: 1-60  
Exhibits: None

UNITED STATES DISTRICT COURT

DISTRICT OF MASSACHUSETTS

NO. 05-11454 RGS

- - - - - x  
Joseph H. Koran, and Kimberly Koran, individually  
and on behalf of Ana Koran, Joseph Koran, Jr., and  
Erik Koran, minors,,

Plaintiffs,

v.

Elizabeth Weaver and Town of Sherborn,

Defendants.  
- - - - - x

DEPOSITION OF DOMINICK CLARK TOLSON

Tuesday, September 19, 2006

1:15 p.m.

SHERBORN Fire Department

22 North Main Street

Sherborn, Massachusetts

Reporter: Lori-Ann London, RPR

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<p>1 APPEARANCES:</p> <p>2</p> <p>3 By Carmen L. Durso, Esquire and</p> <p>4 Matthew P. Coletti, Esquire</p> <p>5 LAW OFFICE OF CARMEN L. DURSO</p> <p>6 175 Federal Street</p> <p>7 Boston, Massachusetts 02110</p> <p>8 617.728.9123</p> <p>9 Appearing for the Plaintiffs</p> <p>10</p> <p>11 By Michael D. Leedberg, Esquire</p> <p>12 PIERCE, DAVIS &amp; PERRITANO, LLP</p> <p>13 Ten Winthrop Square</p> <p>14 Boston, Massachusetts 02110-1257</p> <p>15 617.350.0950</p> <p>16 Appearing for the Defendants</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 PROCEEDINGS</p> <p>2</p> <p>3 DOMINICK CLARK TOLSON,</p> <p>4 a witness called for examination by the</p> <p>5 Plaintiffs, having been satisfactorily identified</p> <p>6 by the production of his Massachusetts driver's</p> <p>7 license, and duly sworn by the Notary Public, was</p> <p>8 examined and testified as follows:</p> <p>9 EXAMINATION</p> <p>10 BY MR. DURSO:</p> <p>11 Q State your name for the record, please.</p> <p>12 A Dominick Clark Tolson.</p> <p>13 Q What is your current address, please?</p> <p>14 A 38 Whitney Street, Sherborn.</p> <p>15 Q And what's your date of birth?</p> <p>16 A 8/13/57.</p> <p>17 Q This is a deposition, what we're doing</p> <p>18 here today.</p> <p>19 A Um-hm.</p> <p>20 Q Have you ever done this before?</p> <p>21 A Yes.</p> <p>22 Q Okay. Under what circumstances?</p> <p>23 A Land dispute.</p> <p>24 Q Okay. I want to ask you briefly about</p>
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<p>1 INDEX</p> <p>2</p> <p>3 DEPOSITION OF: PAGE</p> <p>4 DOMINICK CLARK TOLSON</p> <p>5</p> <p>6 EXAMINATION BY MR. DURSO 4</p> <p>7</p> <p>8 X</p> <p>9 EXHIBITS</p> <p>10 NO. PAGE</p> <p>11</p> <p>12</p> <p>13 No Exhibits Marked</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p>	<p>1 your education and training.</p> <p>2 A Okay.</p> <p>3 Q Are you a high school graduate?</p> <p>4 A Yes.</p> <p>5 Q What year and what high school?</p> <p>6 A Natick High School, 1976.</p> <p>7 Q And after Natick High School, would you</p> <p>8 tell me about your further education and training?</p> <p>9 A Geez, that was a while ago. About a</p> <p>10 year -- or two semesters at San Diego State.</p> <p>11 Q Yeah.</p> <p>12 A Two semesters at Framingham State.</p> <p>13 Q Yeah.</p> <p>14 A A semester at Quinsigamond.</p> <p>15 Q Yeah.</p> <p>16 A And 21 years in the United States Navy.</p> <p>17 Q Honorable discharge?</p> <p>18 A Yes.</p> <p>19 Q And what was your -- what was your</p> <p>20 rating on --</p> <p>21 A Chief petty officer.</p> <p>22 Q Besides the obvious stuff, what did you</p> <p>23 do in the Navy?</p> <p>24 A I was a hull maintenance technician.</p>

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<p>1 Q Did you do anything medically related in 2 the Navy? 3 A I did eight years with the special 4 warfare, which would be some combat first aid. 5 Q Okay. At some point did you get some 6 certifications from the state of Massachusetts? 7 A Yes. 8 Q Tell me about those. 9 A I am a certified EMT. 10 Q When did you get that? 11 A Wow. Geez, it's five years ago. 12 Q So about 2001? 13 A Yeah, yeah, because my current -- my 14 current expiration is April 2007. 15 Q Okay. So would it have been five years 16 before that? 17 A Four years before that, because you 18 recertify every two years. So it's my current 19 expiration. 20 Q So April 2003? 21 A That's correct. 22 Q All right. We're going to talk about 23 something today that happened in February of 2003. 24 Were you certified at that time?</p>	<p>1 A I was in the Navy from September 1976 2 until August 1998. 1998? I can tell you. 3 (Pause.) 4 A '97 would make it 21 years. 5 Q Okay. And then was the fire fighter 6 position with the town of Sherborn the first thing 7 you did when you got out of the Navy? 8 A No. 9 Q What did you do before that? 10 A I worked for an engineering company, 11 Framingham Welding and Engineering, as a 12 production planner. 13 Q How long did you work for them? 14 A Eight years while I was doing time in 15 the reserves, and from there, I went to the 16 Double E Company in West Bridgewater, and I'm a 17 regional sales manager. 18 Q Okay. And for how long have you -- are 19 you still with Double E? 20 A Yes. 21 Q Yeah. Okay. 22 So you've been a fire fighter since 23 1998. Are you a volunteer or -- 24 A Yes. Volunteer, yes.</p>
Page 7	Page 9
<p>1 A Yes, I was. Yes, I was. 2 Q Okay. So -- 3 A I'm sorry, it was before that. 4 Q Yeah. 5 A It was before that. 6 Q So did you have another -- 7 A In fact, it's been longer than that. 8 Q Did you have a four-year term before 9 that or -- 10 A No, it goes in two-year cycles. So I 11 guess it's been longer than that. 12 Q So sometime before February 2003 you got 13 your initial certification? 14 A Yes, and I can get the exact dates, we 15 have it on record. 16 Q Okay. What is your position with the 17 town of Sherborn? 18 A I am a -- currently a fire fighter on 19 Engine 1. 20 Q And when did you start as a fire 21 fighter? 22 A '98, 1998. 23 Q Okay. Before -- what years were you in 24 the Navy?</p>	<p>1 Q Okay. So when did you -- so while you 2 were doing these other things you just told me 3 about, you also have been a volunteer fire fighter 4 in Sherborn? 5 A That's correct. 6 Q And when you say you're a fire fighter 7 on -- what did you say, Engine 1? 8 A Engine 1, yes. 9 Q Engine 1. Is that in addition to being 10 an EMT? 11 A That's correct. 12 Q Okay. So you -- you get -- you get 13 called out both for regular fire fighting duties 14 and as an EMT? 15 A I'm no longer on the ambulance at this 16 time. 17 Q Oh, okay. Were you a regular fire 18 fighter continuously from '98 to the present and 19 -- or did you switch back and forth from being a 20 fire fighter and on the ambulance? 21 A I was continuous until now, till 22 present. 23 Q Okay. And for how long a period of time 24 were you on the ambulance?</p>

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<p>1 A Up until about two years ago.</p> <p>2 Q Okay. But you've maintained your</p> <p>3 certification as an EMT in the meantime, right?</p> <p>4 A That's correct.</p> <p>5 Q So how come you're not on the ambulance</p> <p>6 anymore?</p> <p>7 A It's kind of a conflict with work.</p> <p>8 Q Okay.</p> <p>9 A As you can see, I do a lot of things.</p> <p>10 Q Yes. I don't know how you do it all, to</p> <p>11 be honest with you, but it must be that Navy</p> <p>12 training.</p> <p>13 A Yeah. Absolutely.</p> <p>14 MR. LEEDBERG: I'm still trying to</p> <p>15 get over the fact that he's 49 years old. I would</p> <p>16 have guessed you're about 35.</p> <p>17 (Off record.)</p> <p>18 Q I'm going to show you a document that</p> <p>19 was marked as Exhibit 1 in the Christensen</p> <p>20 deposition. Would you take a look at it for me,</p> <p>21 please?</p> <p>22 A Sure.</p> <p>23 (Document exhibited to witness.)</p> <p>24 (Witness perusing document.)</p>	<p>1 run over by a car. Patient's first complaint of</p> <p>2 pressure on the first joint of the big toe, tender</p> <p>3 to the touch. Transported to MetroWest Natick.</p> <p>4 Q Okay. And the other information, the</p> <p>5 things -- the boxes that are checked and the --</p> <p>6 the -- the patient information, and the dispatch</p> <p>7 times, were those written -- all written by you?</p> <p>8 A Yes, this was. Yes, it was.</p> <p>9 Q And how about the vital signs, did you</p> <p>10 enter those in there?</p> <p>11 A Yes, I took the vitals.</p> <p>12 Q Okay. Do you have a memory of this</p> <p>13 particular incident from February 6, 2003.</p> <p>14 A I have -- I remember some of this.</p> <p>15 Q Okay.</p> <p>16 A Some of what happened, yes.</p> <p>17 Q What I'd like you to tell me, if you</p> <p>18 would, is what you can recall about what happened</p> <p>19 at that time. Starting with you're at the -- you</p> <p>20 were at the station here that evening?</p> <p>21 A Yes, yes, I was.</p> <p>22 Q Would you start with that and tell me</p> <p>23 what you can recall happened?</p> <p>24 MR. LEEDBERG: I'm just going to</p>
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<p>1 Q Did you get a chance to look at that</p> <p>2 document?</p> <p>3 A Yes, I did.</p> <p>4 Q Okay. Would you tell me whether or not</p> <p>5 the handwriting on that document is your</p> <p>6 handwriting?</p> <p>7 A Yes, it is, up until this point.</p> <p>8 (Indicating.)</p> <p>9 Q Up until which point?</p> <p>10 A Up until this last statement that</p> <p>11 says --</p> <p>12 Q Addendum?</p> <p>13 A -- Natick. It says MetroWest Natick.</p> <p>14 Q Okay. Where it says "addendum," that's</p> <p>15 not your writing?</p> <p>16 A That's not my writing.</p> <p>17 Q Okay. Do you know whose writing that</p> <p>18 is?</p> <p>19 A No, I don't. This might be Scott's. I</p> <p>20 don't know. I don't know.</p> <p>21 Q Okay. All right. Would you do me a</p> <p>22 favor and read where it says "comments," just read</p> <p>23 me the writing there, please, the part you wrote?</p> <p>24 A "Patient had left foot and first big toe</p>	<p>1 object as to form, but go ahead and answer.</p> <p>2 A The tone went off.</p> <p>3 Q The -- I'm sorry, the what?</p> <p>4 A The tone went off calling out the</p> <p>5 ambulance.</p> <p>6 Q Okay.</p> <p>7 A We -- Scott and I left. We were up in</p> <p>8 the meeting room, went down, got in the ambulance</p> <p>9 and went to the call site, which was the Sherborn</p> <p>10 Inn. At that --</p> <p>11 Q Can I stop you there?</p> <p>12 A Sure.</p> <p>13 Q Was it just the two of you who went?</p> <p>14 A I don't remember. I know it was --</p> <p>15 Q Let me ask you specifically --</p> <p>16 A The two of us were in the front of the</p> <p>17 ambulance, I know that.</p> <p>18 Q Do you recall whether or not Deputy</p> <p>19 Chief Buckler went with you?</p> <p>20 A I'm not sure if he rode in the ambulance</p> <p>21 or if he walked over. It's only a short walk.</p> <p>22 Q Did he go to the scene too, though?</p> <p>23 A He was at the scene, yes.</p> <p>24 Q Okay. All right. So you and Scott went</p>

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<p>1 in the ambulance to the scene. And where was the 2 scene?</p> <p>3 A In the parking lot of the Sherborn Inn.</p> <p>4 Q Okay. And did you know going over there 5 what the call was for?</p> <p>6 A I don't remember exactly how the call 7 came in.</p> <p>8 Q Okay. When you got there, what did you 9 find?</p> <p>10 A We found a man that was walking around, 11 and we proceeded to ask him what had happened, 12 there was also a couple of officers there.</p> <p>13 Q Okay. You say "we," did you speak with 14 him yourself?</p> <p>15 A Yes, I did.</p> <p>16 Q Yeah. And tell me about that, tell me 17 about your conversation with him, if you will.</p> <p>18 A I don't remember my exact words. My 19 best memory would be I asked him what his chief 20 complaint was and asked the officers what had 21 happened trying to evaluate the scene.</p> <p>22 Q And do you recall what you learned?</p> <p>23 A Yes.</p> <p>24 Q What was that?</p>	<p>1 somewhat with -- with Ron. He didn't pay a whole 2 lot of attention to Scott and I at that time.</p> <p>3 Q Okay. Did you hear any of that 4 conversation?</p> <p>5 A No, I don't remember exactly what was 6 said.</p> <p>7 Q Okay. When you started talking to him, 8 can you remember anything that you said to him and 9 he said to you?</p> <p>10 A My -- my conversation with him was I 11 basically asked him where his pain was.</p> <p>12 Q Okay. And what did he say, if you 13 remember?</p> <p>14 A I don't -- I don't remember exactly what 15 -- what his reply was.</p> <p>16 Q Okay. Do you remember whether or not 17 his complaint seemed to be consistent with what he 18 said happened, being run over by a car, his foot 19 being run over by a car?</p> <p>20 A Yes, I would say so, yes.</p> <p>21 Q Okay. What -- what did you observe -- 22 well, tell me the mechanical things you did in 23 order to treat him if you would. You told me you 24 got him to sit down on the -- what did you say,</p>
Page 15	Page 17
<p>1 A We learned that his foot had been run 2 over by a car.</p> <p>3 Q Okay. And did you render treatment to 4 him yourself personally?</p> <p>5 A Yes, I did.</p> <p>6 Q Okay. Tell me what you did, if you 7 would.</p> <p>8 A First we persuaded the patient to sit 9 down in the back -- on the back step of the 10 ambulance.</p> <p>11 Q Okay.</p> <p>12 A We asked him if we could remove his shoe 13 so we could examine his foot. With some 14 resistance, he did let us -- finally let us do 15 that.</p> <p>16 Q When you say some resistance, what do 17 you mean?</p> <p>18 A He wasn't -- at that point he wasn't 19 really receptive to our treatment.</p> <p>20 Q Okay. And why was that, if you know?</p> <p>21 A Well, he was -- he was not happy about 22 the whole situation, and he was -- he was quite 23 upset. From what I remember, he was -- he was 24 arguing with the police officers and talking</p>	<p>1 the back step of the --</p> <p>2 A Yes.</p> <p>3 Q -- of the ambulance?</p> <p>4 And what is that, like the bumper, 5 or is there something else there?</p> <p>6 A Yeah, like the back bumper of the 7 ambulance.</p> <p>8 Q Okay. And so you got him to sit down, 9 and what happened next; what's the next thing that 10 occurs?</p> <p>11 A We got him to remove his shoe --</p> <p>12 Q Yeah.</p> <p>13 A -- and his sock and we proceeded -- I 14 proceeded to -- to palpitate his foot for 15 tenderness and look for any signs of distortion, 16 broken bones, swelling, bruising, those types of 17 things.</p> <p>18 Q Okay. Do you remember what you found?</p> <p>19 A Found slight swelling, to my best 20 knowledge. I don't recall if it was bruised or -- 21 I don't recall.</p> <p>22 Q Okay. What happened next?</p> <p>23 A We recommended that we transport, that 24 we take him to the hospital, and that he get it</p>

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<p>1 examined and X rayed.</p> <p>2 Q Okay. Why was that?</p> <p>3 A It's a trauma injury. It should be --</p> <p>4 should be seen by a physician.</p> <p>5 Q Okay. Did he agree to do that?</p> <p>6 A Initially, no.</p> <p>7 Q And did -- did that change?</p> <p>8 A Yes.</p> <p>9 Q And how did it change -- did you have</p> <p>10 further conversation with him about that?</p> <p>11 A Yes.</p> <p>12 Q And tell me about that conversation.</p> <p>13 A We advised him that it was better to</p> <p>14 have it seen and treated now than to wait and have</p> <p>15 something develop later.</p> <p>16 Q Okay. So did he ultimately agree that</p> <p>17 he would be -- he would go to the hospital?</p> <p>18 A Yes.</p> <p>19 Q Okay. What did you do in terms of</p> <p>20 transporting him to the hospital; what are the</p> <p>21 steps that you took to transport him?</p> <p>22 MR. LEEDBERG: Object as to form,</p> <p>23 but go ahead and answer if you understand the</p> <p>24 question.</p>	<p>1 the usual treatment that you would apply in that</p> <p>2 situation?</p> <p>3 A A suspected break, you would splint.</p> <p>4 Q Okay. And do you have any recollection</p> <p>5 as to whether or not you did that?</p> <p>6 A I don't remember if we splinted or not.</p> <p>7 I don't recall.</p> <p>8 Q You said -- I think you said, and if I'm</p> <p>9 wrong, you correct me, I think you said you may</p> <p>10 have observed some swelling?</p> <p>11 A Yes.</p> <p>12 Q Okay. And what would the usual</p> <p>13 procedure -- the usual treatment be for observing</p> <p>14 swelling?</p> <p>15 A That would be a -- break a cold pack,</p> <p>16 put a cold pack on, transport.</p> <p>17 Q Okay. And, again, do you have any</p> <p>18 recollection as to whether or not you did that?</p> <p>19 A I believe we did that. I don't recall</p> <p>20 whether we did it prior to transport or during</p> <p>21 transport.</p> <p>22 Q Okay. How many of you were there in the</p> <p>23 ambulance when you transported him?</p> <p>24 A I was there myself, just myself.</p>
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<p>1 THE WITNESS: I under the -- I think</p> <p>2 I understand the question.</p> <p>3 A Are you -- do you mean procedurally what</p> <p>4 did we do or....</p> <p>5 Q Well, the last thing I've got is he's</p> <p>6 sitting on the back step, you're examining his</p> <p>7 foot. What do you do after that in terms of</p> <p>8 taking him to the hospital; what other steps do</p> <p>9 you take?</p> <p>10 A We got him on the stretcher --</p> <p>11 Q Okay.</p> <p>12 A -- got him strapped down.</p> <p>13 Q Yeah.</p> <p>14 A And then left the scene and headed for</p> <p>15 the hospital.</p> <p>16 Q Okay. Did you -- aside from examining</p> <p>17 his foot, did you provide any treatment on the</p> <p>18 scene?</p> <p>19 A I don't remember.</p> <p>20 Q Do you remember whether you wrapped his</p> <p>21 foot or whether you did anything to his foot?</p> <p>22 A I don't remember.</p> <p>23 Q Given the type of injury that he</p> <p>24 complained of, what would be the usual procedure,</p>	<p>1 Q Okay. And --</p> <p>2 A Scott drove.</p> <p>3 Q Scott drove. And you were in the back?</p> <p>4 A Yes.</p> <p>5 Q Okay. So this is something you may have</p> <p>6 done while on route; is that what you're saying?</p> <p>7 A That's correct.</p> <p>8 Q Okay. And what can you tell me about</p> <p>9 Mr. Koran's position in the vehicle at that time?</p> <p>10 I think you said he was on the stretcher; is that</p> <p>11 right?</p> <p>12 A That is correct, he was on the</p> <p>13 stretcher.</p> <p>14 Q Okay. And what was the position of the</p> <p>15 stretcher, was he -- was he prone on the</p> <p>16 stretcher?</p> <p>17 A Yes. The stretcher was in the prone</p> <p>18 position, that's correct.</p> <p>19 Q Okay. Is there a reason why he would be</p> <p>20 prone at that particular time or -- as opposed to</p> <p>21 say sitting up or having his leg elevated or</p> <p>22 anything like that?</p> <p>23 A No, I don't think -- no particular</p> <p>24 reason.</p>

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<p>1 Q But your memory is that he was prone; is 2 that correct? 3 A That's correct, yes. 4 Q And did he remain that way for the 5 entire time of the transport? 6 A That's correct. 7 Q Where was it that you first saw 8 Mr. Koran when you came to the Sherborn Inn? 9 A I don't remember exactly where he was. 10 Q Okay. Did he have a vehicle? 11 A I don't know. 12 Q If he did, you didn't see a vehicle; is 13 that -- 14 A I don't know. 15 Q Yeah. Okay. Where did you transport 16 Mr. Koran to? 17 A MetroWest Natick. 18 Q Okay. When you -- by the way, the -- 19 the times that are listed for dispatch, do you see 20 them on there? 21 A Yes. 22 Q They're in military time, right? 23 A Yes. 24 Q Yeah. And 6:46 sound like the right</p>	<p>1 Q I see. Okay. So you write them, but 2 you don't -- you don't actually look at your watch 3 and say, I'm doing it based on this particular 4 time; is that what you're saying? 5 A That is correct. 6 Q Okay. All right. So -- 7 A The only times -- 8 THE WITNESS: Can I -- 9 MR. LEEDBERG: Yeah, go ahead. 10 A The only time I look at my watch is if 11 I'm doing something, if I'm performing something 12 on the patient. 13 Q Taking a pulse or something? 14 A Yes. 15 Q How long would you estimate it 16 ordinarily takes to get from the Sherborn Inn to 17 the MetroWest Hospital? 18 A 10 minutes, 15 minutes. 19 Q Okay. All right. 6:52, about -- 20 approximately five minutes after you arrived at 21 the scene, would that be a time that you 22 entered -- 23 A That would be a time, yes. 24 Q -- when you took the vital signs; is</p>
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<p>1 time for the dispatch, the initial dispatch? 2 A Yes. 3 Q And I guess you've said it's just down 4 the street so a minute later would be -- 5 A It's right there. 6 Q Yeah. Okay. And then the departure 7 time seems to be 7:08 based on what's listed on 8 there. Does that sound like the right amount of 9 time that you were at the scene, about 20 minutes 10 or so, 21 minutes I guess technically? 11 A I don't remember exactly. 12 Q Okay. And then the -- the departure 13 time and then the hospital arrival time looks like 14 1950 or 1956. Does that sound right in terms of 15 the time it would take you to get to the hospital? 16 THE WITNESS: I don't know how to 17 answer that. 18 MR. LEEDBERG: If it doesn't sound 19 right, maybe it's -- if it's -- explain it, if you 20 can. 21 A Well, I can -- I -- we get these times 22 from dispatch. We don't clock things as they 23 happen. We call in and dispatch tells us what our 24 times are.</p>	<p>1 that correct? 2 A Yes, that would be. 3 Q Okay. And you took the -- well, why 4 don't you tell me what each of the blocks means if 5 you would, please. 6 A LOC, level of consciousness, times 7 three. 8 Q What does that mean? 9 A It basically means I did three 10 observations on his level of consciousness, 11 meaning did he answer me when I spoke with him, 12 was he cognizant of what I was saying, and did he 13 appear to have good motor function, good, you 14 know. The second was the blood pressure. 15 Q Yeah. And -- I see it there, but why 16 don't you tell me what it says, just to be clear. 17 A 160 over 120. 18 Q Is that high? 19 A Relatively high I would -- I would say, 20 yes. 21 Q And what's the next reading? 22 A Pulse. 23 Q Yeah. What's that? 24 A Would be -- it would be 80.</p>

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<p>1 Q And is that --</p> <p>2 A That's in normal range.</p> <p>3 Q Normal range, okay.</p> <p>4 What's the next item?</p> <p>5 A That -- that would be his respiration,</p> <p>6 his breathing --</p> <p>7 Q Okay.</p> <p>8 A -- and it was normal range.</p> <p>9 Q I can't make that out at all. Is that</p> <p>10 what that says?</p> <p>11 A Yeah, that's normal range.</p> <p>12 Q Okay. Sorry. I thought it was</p> <p>13 something scratched out; I couldn't tell. Thank</p> <p>14 you.</p> <p>15 Okay. So is it likely that within</p> <p>16 five minutes after arriving at the scene you were</p> <p>17 taking Mr. Koran's vitals?</p> <p>18 A Yeah, I would say -- yeah, I would say</p> <p>19 so. That's typical, yes.</p> <p>20 Q Okay. So whatever -- whatever problems</p> <p>21 there were initially with Mr. Koran wanting</p> <p>22 treatment or not wanting treatment, at least</p> <p>23 within five minutes after you got there, he was --</p> <p>24 he was submitting to having you take his vital</p>	<p>1 the ambulance?</p> <p>2 A I don't remember. I don't remember</p> <p>3 whether --</p> <p>4 Q Well --</p> <p>5 A Whether he -- I don't remember.</p> <p>6 Q Okay. Let me ask it this way.</p> <p>7 Do you recall while you were at the</p> <p>8 Sherborn Inn taking the stretcher out of the</p> <p>9 ambulance?</p> <p>10 A I don't remember. I don't remember</p> <p>11 that.</p> <p>12 Q Okay. So -- well, there's -- and if I'm</p> <p>13 saying this wrong, you correct me. There's only</p> <p>14 two ways he could be on the stretcher; one would</p> <p>15 be if you brought the stretcher out and he got on</p> <p>16 it; the other would be if he got into the</p> <p>17 ambulance and then got on the stretcher; is that a</p> <p>18 fair statement?</p> <p>19 A That's correct, that's fair, yes.</p> <p>20 Q And you don't remember which it was?</p> <p>21 A No, I don't.</p> <p>22 Q Okay. When -- what was the weather like</p> <p>23 at that time, do you recall?</p> <p>24 A I think it was good weather. I believe</p>
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<p>1 signs apparently; is that a fair statement?</p> <p>2 A He submitted, yes.</p> <p>3 Q Okay. All right. So you transport him</p> <p>4 to the MetroWest Hospital. What happens there?</p> <p>5 A We unload him from the ambulance.</p> <p>6 Q Okay. And you say we. Tell me, if you</p> <p>7 would, just what the procedure was. Were you</p> <p>8 still in the back with him?</p> <p>9 A Yes, yes, I was.</p> <p>10 Q Okay. And what happened?</p> <p>11 A I waited for Scott to open the doors and</p> <p>12 release the stretcher. Scott released the</p> <p>13 stretcher, we guide him out, and that's when it</p> <p>14 dropped.</p> <p>15 Q Okay. Scott opens the back doors of the</p> <p>16 ambulance from the outside?</p> <p>17 A That's correct.</p> <p>18 Q Is that something you can't do from the</p> <p>19 inside?</p> <p>20 A You can, but you can't. I mean, it has</p> <p>21 a latch, but you have to -- you have to be at the</p> <p>22 head of the stretcher.</p> <p>23 Q When Mr. Koran went into -- went on the</p> <p>24 stretcher, did he get on the stretcher from inside</p>	<p>1 it was good weather. It wasn't -- I know it</p> <p>2 wasn't raining or anything like that.</p> <p>3 Q Was there snow on the ground, do you</p> <p>4 recall?</p> <p>5 A No, I don't recall whether or not -- no.</p> <p>6 Q Okay. Was it cold?</p> <p>7 A I don't think so.</p> <p>8 Q All right. If I -- if I have the</p> <p>9 picture correctly, Mr. Koran sits on the back of</p> <p>10 the ambulance and takes his shoe off or you take</p> <p>11 his shoe off?</p> <p>12 A Um-hm.</p> <p>13 Q Which was it, did you take it off or did</p> <p>14 he take it off?</p> <p>15 A I don't remember exactly whether it was</p> <p>16 him or me.</p> <p>17 Q Okay. Did you examine his foot while he</p> <p>18 was sitting on the back of the ambulance?</p> <p>19 A Yes.</p> <p>20 Q Okay.</p> <p>21 A Yes.</p> <p>22 Q And then did you leave his shoe off</p> <p>23 during transport?</p> <p>24 A Yes.</p>

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<p>1 Q All right. When he -- how did he get 2 into the ambulance with his shoe off; did someone 3 assist him or did you bring the stretcher down and 4 put him in on the stretcher? 5 MR. LEEDBERG: Objection as to form. 6 Q Do you understand what I'm asking you? 7 A I understand what you're asking me, but 8 I don't remember exactly. 9 Q What would your usual procedure be if 10 you had someone who didn't have a shoe on in those 11 circumstances? 12 A You would bring the stretcher out. 13 Q Okay. It would be difficult with no 14 shoe on for him to step into it, wouldn't it -- 15 MR. LEEDBERG: Objection as to form. 16 Q -- step into the ambulance? 17 MR. LEEDBERG: Objection as to form. 18 Answer if you can. 19 A Yeah, I think that would be difficult, 20 yeah. 21 Q And if you had a -- if you had a 22 question as to what the injury was to his foot, 23 you probably wouldn't want him to put any weight 24 on it, particularly as a barefoot, would you --</p>	<p>1 Q Was he assisting you too, do you 2 remember? 3 A I don't remember whether he -- whether 4 he did or not. 5 Q Okay. He was at the scene I think you 6 said? 7 A He was at the scene. He was at the 8 scene. 9 Q Okay. Did he go to the hospital with 10 you? 11 A No, he didn't. 12 Q In any event, at some point Mr. Koran is 13 strapped to the stretcher and the ambulance goes 14 to the MetroWest Hospital; is that right? 15 A That's correct. 16 Q Okay. You get there, and you've 17 indicated that Scott would have opened the doors 18 from the outside? 19 A That's correct. 20 Q Okay. And you would have been at the -- 21 looking in, you would have been at the back or the 22 head end of the stretcher; is that correct? 23 A That's correct. 24 Q Okay. And what -- what did Scott do in</p>
Page 31	Page 33
<p>1 MR. LEEDBERG: Objection as to form. 2 Q -- in terms of your usual procedure? 3 A Yes, you would not want him to put 4 weight on it, that's correct. 5 Q Okay. Does that make it -- I understand 6 you don't presently recall, but does that make it 7 more likely that the procedure you would follow 8 would be to have him get on the -- pull the 9 stretcher out and have him get on the stretcher 10 rather than have him step up into the ambulance? 11 MR. LEEDBERG: Objection as to form. 12 A Yes, that would be -- procedurally, yes, 13 that would be the way you'd do it. 14 Q Okay. In any event, he's in the 15 ambulance. Is he strapped to the stretcher? 16 A Yes. 17 Q Okay. Did you strap him yourself? 18 A We all did -- we all do. 19 Q Who's -- who's we all? 20 A Well, myself, Scott, anybody that would 21 be there. 22 Q Okay. Would that be your -- is it Ron 23 Buckler? 24 A Yes.</p>	<p>1 terms of getting Mr. Koran out of the ambulance? 2 A I don't know what he did. 3 Q Well, you said something before about he 4 unlocked the -- 5 A Typically that's what -- yeah, I can't 6 answer as to what he actually -- what he did, 7 but.... 8 Q Okay. Where was the -- how does that 9 locking device work? 10 A It's a push bar. 11 Q And where is it located? 12 A You push it. It's located on the 13 right -- sorry, I can't remember -- left -- right 14 side. Push it and it unlocks. 15 Q In terms of access to it, is this 16 something that's on the floor? 17 A Yes, it's mounted to the floor. 18 Q Okay. So is it difficult for you at the 19 head of the stretcher to get to that device? 20 A You could not. 21 Q Okay. So then Scott has to be the one 22 that unlocks that device; is that right? 23 A That's correct. 24 Q Okay. So it's -- is it fair to say that</p>

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<p style="text-align: right;">Page 34</p> <p>1 he must have unlocked the device or you couldn't  2 have gotten the stretcher out of the ambulance?  3 A That's correct.  4 Q Okay. And does that mean that the two  5 of you were then taking the stretcher out of the  6 ambulance, him at the foot and you at the head?  7 A That's correct.  8 Q Okay. What's your understanding as to  9 how the stretcher works in terms of taking it out  10 of the ambulance, what -- what -- what  11 mechanically occurs in order to bring it out?  12 A You roll it out and the wheels drop  13 down.  14 Q Okay. What makes them do that, is it --  15 is it gravity or is there some device that's --  16 that causes that?  17 MR. LEEDBERG: Objection as to form.  18 Answer if you know.  19 A There's a release.  20 Q Okay. You have to press -- you have to  21 press something in order for those legs to drop  22 down?  23 A I'm not sure if it's -- yes, you squeeze  24 the....</p>	<p style="text-align: right;">Page 36</p> <p>1 A The legs drop down --  2 Q Yeah.  3 A -- we roll him out and it dropped.  4 Q Okay. To what level did it drop? To  5 what height, I guess, above the ground is what I'm  6 trying to say.  7 A I don't remember if it was the first or  8 the second or if -- if it was the first or it was  9 all the way down. I don't remember which one it  10 dropped to.  11 Q On your body --  12 A Um-hm.  13 Q -- and by the way, Mr. Koran is prone at  14 this time, he's not seated?  15 A I don't remember if he -- if he was  16 prone or seated -- if he was --  17 Q Okay. But let's -- let's just talk  18 about the prone -- the prone level.  19 A Um-hm.  20 Q Assume for the moment he was completely  21 prone. You mentioned you weren't sure which one  22 of two levels it went down to. Where would those  23 two levels come to on your body; could you tell me  24 that?</p>
<p style="text-align: right;">Page 35</p> <p>1 Q Okay. And what happens when they drop  2 down?  3 A They drop down, they hit the -- they hit  4 the ground, when it clicks, you roll away.  5 Q Okay. So there's -- is there -- is  6 there an audible sound that you hear when the legs  7 come down?  8 A Yes, you hear them come down, yes.  9 Q I mean, you mentioned -- you said click.  10 Do you actually hear a click sound?  11 A Yeah, you do. Yes, you do.  12 Q And is that something that you need to  13 hear to -- so you know that the legs are, in fact,  14 locked in place?  15 A Yes. Yes.  16 Q If the legs didn't click, would the legs  17 -- would they hold the stretcher up?  18 MR. LEEDBERG: Objection as to form.  19 Go ahead and answer.  20 A I don't know. That's the first time  21 I've ever -- I don't know.  22 Q Okay. All right. So you and Scott are  23 taking Mr. Koran out on the stretcher, and as  24 you're doing it, what exactly happens?</p>	<p style="text-align: right;">Page 37</p> <p>1 A Standing in the ambulance or on the  2 ground?  3 Q Oh, well, that's a good question. Were  4 you standing -- were you still in the ambulance  5 when this occurred?  6 A Yes.  7 Q Okay. Did you come down from the  8 ambulance at that point; did you step down from  9 the ambulance?  10 A Yes.  11 Q Okay. When you were standing next to  12 the stretcher at that point, where did the  13 stretcher come to on your body?  14 A I don't remember exactly. I don't  15 remember exactly.  16 Q Okay. Was it above the knees or below  17 the knees?  18 A I don't remember exactly. It was --  19 Q Okay. What happened? You stepped out  20 of the ambulance and Mr. Koran was at one of those  21 levels. What -- what happened at that point? Was  22 there any conversation? Did you talk to him? Did  23 he speak with you or --  24 MR. LEEDBERG: I object as to the</p>

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<p style="text-align: right;">Page 38</p> <p>1 form. Go ahead and answer it.</p> <p>2 A Yes, I said something to the effect of,</p> <p>3 That was strange. And then I asked Mr. Koran, you</p> <p>4 know, Are you okay? How are you? Are you fine?</p> <p>5 Q What did he say?</p> <p>6 A He said he was fine. He said he's okay.</p> <p>7 He just kind of looked up at me and....</p> <p>8 Q Okay. And what happened next?</p> <p>9 A We went -- we went right in.</p> <p>10 Q Okay. Was Mr. Koran at the level that</p> <p>11 patients usually are when you transport them on</p> <p>12 the stretcher?</p> <p>13 A No, no, he was not.</p> <p>14 Q So what did you do? Did you bring him</p> <p>15 back up to that level or did he stay at the level</p> <p>16 that the stretcher had fallen to?</p> <p>17 A He stayed at the level, he stayed at</p> <p>18 that level.</p> <p>19 Q Okay. Why was that?</p> <p>20 A I don't know. We just got him in there.</p> <p>21 Q Was it possible to raise him back up to</p> <p>22 a higher level?</p> <p>23 A I don't remember if we tried that or</p> <p>24 not.</p>	<p style="text-align: right;">Page 40</p> <p>1 level at which patients usually enter the</p> <p>2 hospital? A different height I'm talking about.</p> <p>3 A I don't recall if anything was said</p> <p>4 about it, no.</p> <p>5 Q Okay. And what did you do in terms of</p> <p>6 moving Mr. Koran from the stretcher to any other</p> <p>7 location?</p> <p>8 A I know they directed us to -- to one of</p> <p>9 the rooms, but I'm not sure how we got him onto</p> <p>10 the -- I don't remember how we got him onto the</p> <p>11 hospital bed.</p> <p>12 Q Okay. What would be your usual</p> <p>13 practice?</p> <p>14 A The usual practice would be that</p> <p>15 everybody line up on one side and the other side,</p> <p>16 take the sheet and lift him over --</p> <p>17 Q Okay.</p> <p>18 A -- or backboard, sheet or backboard,</p> <p>19 whatever.</p> <p>20 Q Do you have a memory of Mr. Koran at</p> <p>21 all; what he looked like?</p> <p>22 A (Witness nodded.)</p> <p>23 Q No?</p> <p>24 A No.</p>
<p style="text-align: right;">Page 39</p> <p>1 Q Okay. Would it have -- well, I guess</p> <p>2 you said this never happened before, but your</p> <p>3 ordinary practice was to transport people at a</p> <p>4 higher level; is that right?</p> <p>5 A Yes, that's correct.</p> <p>6 Q Okay. So does it seem likely that you</p> <p>7 would have tried to raise him back to that level?</p> <p>8 MR. LEEDBERG: Objection as to form.</p> <p>9 A Yeah, it seems like we would have tried</p> <p>10 that.</p> <p>11 Q And you don't have a recollection as to</p> <p>12 whether or not you were unable to do that for some</p> <p>13 reason.</p> <p>14 MR. LEEDBERG: Objection as to form.</p> <p>15 A I don't remember exactly trying to do</p> <p>16 it.</p> <p>17 Q Okay. Did you bring him inside the</p> <p>18 hospital?</p> <p>19 A Yes, we did.</p> <p>20 Q Okay. And when you got inside the</p> <p>21 hospital, what happened?</p> <p>22 A Turned him over to the charge nurse.</p> <p>23 Q Okay. Did anyone make note of the fact</p> <p>24 that he was at a level that was different from the</p>	<p style="text-align: right;">Page 41</p> <p>1 Q If I suggested he was a pretty big guy,</p> <p>2 would that -- would you have a memory one way or</p> <p>3 the other?</p> <p>4 A No.</p> <p>5 Q No. Okay.</p> <p>6 If you followed the usual procedure,</p> <p>7 would you have been able to do that if the level</p> <p>8 of the stretcher was lower than the level you were</p> <p>9 transferring him to? Do you understand what I'm</p> <p>10 asking you?</p> <p>11 A Yeah, I think so. I think so. Usual</p> <p>12 procedure you have a lot of -- a lot of people</p> <p>13 there to help you, and, yes, yes, you -- there's</p> <p>14 usually six to eight people and that's --</p> <p>15 Q Okay.</p> <p>16 A -- that can be accomplished.</p> <p>17 Q But usually aren't you going from a</p> <p>18 level of the stretcher to the level of the bed or</p> <p>19 whatever that is approximately the same height?</p> <p>20 A Yes. They're approximately the same</p> <p>21 height, yeah.</p> <p>22 Q So if the stretcher was at that lower</p> <p>23 level, you'd have to bring him up from that level</p> <p>24 to the level of the bed; do you understand what</p>

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1 I'm asking?  
 2 A Um-hm.  
 3 Q And do you have any recollection as to  
 4 whether or not that occurred and whether there was  
 5 any -- as to whether or not it was necessary to  
 6 bring him from a -- a different level to the level  
 7 of the bed?  
 8 A I don't remember. I don't remember.  
 9 Q Okay. All right. What did you do after  
 10 Mr. Koran was transferred to the bed or whatever?  
 11 A Called dispatch and went to do the  
 12 paperwork, went to do my paperwork.  
 13 Q Which is what?  
 14 A Which is basically this (indicating).  
 15 Called dispatch for the times and then just a  
 16 quick write-up as to what the call was about.  
 17 Q Okay. Are you talking about the  
 18 write-up on here (indicating)?  
 19 A Yes.  
 20 Q Did you fill out any other paperwork in  
 21 addition to this document?  
 22 A Typically, no. No, I don't recall doing  
 23 that.  
 24 Q Okay. Do you remember whether in this

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1 case you filled out anything that was different?  
 2 You said typically. I mean, was it because  
 3 something had happened, would you fill out any  
 4 additional paperwork?  
 5 A Other than the insurance forms, some  
 6 insurance forms, sometimes it's done by, you know,  
 7 we get the information. Most of the time the  
 8 hospital gets the information.  
 9 Q You're talking about the insurance forms  
 10 for Mr. Koran to get his treatment?  
 11 A Yes.  
 12 Q Yeah, okay. I understand.  
 13 Okay. So at that point you've done  
 14 your paperwork. What did you do next?  
 15 A Left the hospital, went back to the  
 16 station.  
 17 Q Okay. Before you did that, you had to  
 18 put the -- you had to put the cot back in the --  
 19 into the ambulance; is that right -- I mean,  
 20 stretcher, rather, back into the ambulance?  
 21 A I believe Scott did that. Typically  
 22 what we do is one does the paperwork, one loads  
 23 the am -- one puts the ambulance back in service.  
 24 Q Okay. Now, in order to get the

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1 stretcher back into the ambulance it has to be at  
 2 a certain height; is that right?  
 3 A That's correct.  
 4 Q Okay. Do you know whether or not there  
 5 was -- there was any problem in getting the  
 6 ambulance -- the stretcher back to the right  
 7 height for the ambulance?  
 8 A I didn't do it.  
 9 Q I understand. But did you -- did you  
 10 learn from Scott that he had any problem doing it?  
 11 A I don't remember exactly what he said,  
 12 but he -- he just told me, well, he got it back  
 13 in, he got it up and got it in. So --  
 14 Q Okay.  
 15 A -- I don't know exactly what -- I don't  
 16 remember exactly what he said.  
 17 Q But you're clear in your own mind you  
 18 didn't assist him in getting it in?  
 19 A No, no, I don't recall doing that.  
 20 Q Okay. So mechanically, to get it back  
 21 into the ambulance, the only way he could get it  
 22 back in would be to get that end raised back up so  
 23 that it would go in; is that a fair statement?  
 24 MR. LEEDBERG: Objection as to form.

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1 Answer if you can.  
 2 A The -- the stretcher has to be in the  
 3 upright position to load it, the complete upright  
 4 position to load it.  
 5 Q Okay. Because if it's down, it would  
 6 just hit the bumper, it wouldn't go up and over;  
 7 is that --  
 8 A Right.  
 9 Q Do I understand that correctly?  
 10 A You understand that correctly.  
 11 Q So one way or another he must have got  
 12 it back up to the height necessary to do that.  
 13 That's true, isn't it?  
 14 MR. LEEDBERG: Objection as to form.  
 15 A I don't know what he did, but he must  
 16 have.  
 17 Q Okay. Any idea what that thing weighs?  
 18 A No. Not offhand, no. An idea what -- I  
 19 don't know what it weighs. I have no idea.  
 20 Q Could one person lift it up and put it  
 21 in by himself? You know, just physically lift it  
 22 up off the ground and put it in the back of the  
 23 ambulance?  
 24 A I don't know. I never tried it. I

12 (Pages 42 to 45)



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<p>1 don't know. I never -- I never had to load it by 2 myself.</p> <p>3 Q Okay. All right. Where did you ride 4 when you went back to the -- to the station?</p> <p>5 A The passenger seat if I --</p> <p>6 Q Okay. Did you examine the stretcher at 7 all after it was back in the ambulance?</p> <p>8 A I don't remember if we did or not. I 9 don't remember offhand.</p> <p>10 Q Okay. When you get back to the station, 11 do you remember whether or not you examined the 12 stretcher?</p> <p>13 A I don't remember, no, whether or not we 14 did.</p> <p>15 Q Did you have a concern about whether or 16 not the stretcher was going to operate properly 17 after that?</p> <p>18 A Did I? No.</p> <p>19 Q Well, if you -- say you had another call 20 that evening, you would have had to use that 21 stretcher; is that right?</p> <p>22 A Yes, that's correct.</p> <p>23 Q Okay. So were you concerned that it 24 might drop again?</p>	<p>1 Q Okay. And tell me about your 2 conversation with her.</p> <p>3 A She asked me if -- if anything had 4 happened on that -- this particular call, and I 5 told her what had happened, and she asked me to 6 write an addendum explaining what had happened. I 7 did that and I e-mailed it to her.</p> <p>8 Q Okay. Where is the addendum?</p> <p>9 A The addendum, I don't know.</p> <p>10 Q It's not this addendum that's on here, 11 because you told me you didn't write that; is that 12 correct?</p> <p>13 A No, I didn't write that.</p> <p>14 Q Where did you e-mail from.</p> <p>15 A My office.</p> <p>16 Q Your office in West Bridgewater?</p> <p>17 A Yeah.</p> <p>18 Q Think you still got it?</p> <p>19 A I know I don't because I looked for it.</p> <p>20 Q And where did you e-mail it to?</p> <p>21 A To Pam Dowse's e-mail address.</p> <p>22 Q Okay. Is that a town address or a 23 personal e-mail address?</p> <p>24 A I think it's her personal -- I don't</p>
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<p>1 A No, no, I don't -- I don't recall having 2 a concern about that.</p> <p>3 Q Okay. Do you remember talking to anyone 4 when you got back about what had happened?</p> <p>5 A What do you mean about what happened, 6 about the call with the stretcher?</p> <p>7 Q Yeah, with the stretcher, yeah.</p> <p>8 A No, I don't think we -- no, I don't 9 remember saying -- talking to anybody about that.</p> <p>10 Q Okay. Was Ron Buckler here?</p> <p>11 A I don't know. I don't remember.</p> <p>12 Q Okay. Did you ever speak with anyone 13 after that trip about the stretcher and about the 14 problem with the stretcher?</p> <p>15 A Yes.</p> <p>16 Q Who did you talk to?</p> <p>17 A Pam Dowse, I believe.</p> <p>18 Q And what's -- Pam Dowse, D-O-W-S-E, 19 right?</p> <p>20 A Yes.</p> <p>21 Q What's Pam Dowse's position or role?</p> <p>22 A At that time she was -- I don't remember 23 whether she was a lieutenant or captain of the 24 ambulance.</p>	<p>1 know. I think it's her personal e-mail address, 2 but it's the same one that's on all of the fire 3 department correspondence.</p> <p>4 MR. LEEDBERG: I'm sorry, my phone 5 -- my office keeps buzzing me. It must be 6 something important.</p> <p>7 (Off record.)</p> <p>8 Q I'm looking at a couple of pieces of the 9 fire department letterhead here, and I don't see 10 an e-mail address. Do you remember what the 11 e-mail address is?</p> <p>12 A No.</p> <p>13 Q Is it -- does the town of Sherborn have 14 a town-wide e-mail address, do you think, or is 15 there a separate one for the fire department?</p> <p>16 A It's just an -- everybody just gives 17 their e-mail, and it just comes out on -- when you 18 receive an e-mail, there's like 40 or 50 of them 19 on there, and I just picked hers out. I don't 20 remember exactly which one it was, though, or what 21 it said. J. Dowse or something like that. I'm 22 not sure.</p> <p>23 MR. LEEDBERG: All right. I'll look 24 into that and see if I can find some information</p>

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<p>1 for you on that.</p> <p>2 MR. DURSO: All right.</p> <p>3 Q So when was it that you would have done</p> <p>4 that -- that e-mail in relation to the event</p> <p>5 itself. Would it have been sometime shortly after</p> <p>6 February 6, 2003?</p> <p>7 A After that date, yes. Yes.</p> <p>8 Q I mean, but --</p> <p>9 A I don't remember exactly.</p> <p>10 Q -- that month?</p> <p>11 A How long after. I don't remember.</p> <p>12 Q Okay. All right. And aside from that</p> <p>13 addendum that you did the e-mail on, did you ever</p> <p>14 fill out anything else or write anything else</p> <p>15 about the incident?</p> <p>16 A No, that was it.</p> <p>17 Q Okay. Was there anybody else you spoke</p> <p>18 to about the incident other than Pam Dowse?</p> <p>19 A I don't remember offhand. You mean at</p> <p>20 that time; is that what you're asking me?</p> <p>21 Q No, at any time afterwards?</p> <p>22 A Sure. I've spoken with the chief about</p> <p>23 it a couple of times and....</p> <p>24 Q And that's Chief....</p>	<p>1 Q What else is there about the demeanor of</p> <p>2 the patient that you haven't told me?</p> <p>3 A I just -- I just thought it was odd that</p> <p>4 he was more concerned about the woman that ran</p> <p>5 over his foot and the cops than he was about his</p> <p>6 foot. I just thought that was odd.</p> <p>7 Q Okay. I'm going to show you what was</p> <p>8 marked Exhibit 2 in Scott's deposition. Take a</p> <p>9 look at that for a second, if you would, please,</p> <p>10 okay?</p> <p>11 (Document exhibited to witness.)</p> <p>12 (Witness perusing document.)</p> <p>13 A Okay.</p> <p>14 Q Have you ever seen that before?</p> <p>15 A I don't recall. I don't recall seeing</p> <p>16 this. So Scott did an incident report.</p> <p>17 Q Yeah.</p> <p>18 A Okay.</p> <p>19 Q Do you remember whether or not you</p> <p>20 assisted him in any way in filling that out?</p> <p>21 A I did not. I would have signed it.</p> <p>22 Q Okay. Were you aware before this that</p> <p>23 he had done this incident report?</p> <p>24 A No, I don't remember. I don't remember</p>
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<p>1 A McPherson.</p> <p>2 Q McPherson, yeah.</p> <p>3 Okay. Other than Chief McPherson,</p> <p>4 anybody else you've spoken to that you can</p> <p>5 remember?</p> <p>6 MR. LEEDBERG: Besides me.</p> <p>7 Q Yeah, besides lawyers.</p> <p>8 A Scott.</p> <p>9 Q Did you and Scott talk about it on the</p> <p>10 way back from the trip?</p> <p>11 A About the stretcher? I don't know. I</p> <p>12 don't remember. We usually talk about fishing.</p> <p>13 Q Where do you go fishing?</p> <p>14 A Cape, down the Cape.</p> <p>15 Q Did anyone ever say anything to you</p> <p>16 about a handle being bent?</p> <p>17 A Never heard anything about that.</p> <p>18 Q Okay. Is there anything else about this</p> <p>19 incident that -- that you can recall that you</p> <p>20 haven't told me?</p> <p>21 A Other than the demeanor of the patient,</p> <p>22 I think I've -- I think I've told you everything.</p> <p>23 Q Okay.</p> <p>24 A My --</p>	<p>1 whether or not....</p> <p>2 Q Okay. And I want to show you what was</p> <p>3 marked Exhibit 4 in Scott's deposition.</p> <p>4 (Document exhibited to witness.)</p> <p>5 Q Does this appear to you to be the type</p> <p>6 of stretcher that we're talking about?</p> <p>7 (Indicating.)</p> <p>8 A It looks like it. I don't know if it's</p> <p>9 the exact....</p> <p>10 (Witness perusing document.)</p> <p>11 A Yes.</p> <p>12 Q Okay. Referring to page 11 in that</p> <p>13 exhibit, are you able to tell me looking at this</p> <p>14 page the position that the -- that the stretcher</p> <p>15 went into when it came out of the -- out of the</p> <p>16 ambulance at the hospital?</p> <p>17 A From that picture, no. I -- I couldn't</p> <p>18 tell. I'd have to be standing at the side away</p> <p>19 from it to judge. I couldn't tell.</p> <p>20 Q Okay.</p> <p>21 A I was standing up in the ambulance.</p> <p>22 Q But didn't you come down and stand next</p> <p>23 to it after that?</p> <p>24 A Yes, yes, I did.</p>

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<p>1 Q Okay. So based on standing next to it, 2 can you -- can you tell me from any of these as to 3 what the position was? 4 A I can't tell you exactly. I'm not -- I 5 don't know if it was this one or this one. I'm 6 not sure exactly which position. (Indicating.) 7 Q Okay. I'm going to show you a picture 8 of the stretcher on page 7. As the stretcher is 9 coming out of the ambulance, what, if anything, do 10 you do in order to have the legs come down? 11 A There is a -- a lever -- 12 Q Okay. 13 A -- and you grab it and the legs just 14 drop. 15 Q Okay. There's a lever at -- at the head 16 end? 17 A Yes. 18 Q Okay. Is there also a lever at the foot 19 end? 20 A Yes, I believe so, yes. 21 Q Okay. Do you have to press both levers 22 or will either lever let the legs come down? 23 MR. LEEDBERG: Objection as to form. 24 Go ahead.</p>	<p>1 MR. LEEDBERG: Objection as to form. 2 A You have to walk around to that side of 3 the stretch -- you can't reach it from the head or 4 the foot. 5 Q Yeah. Okay. So what do you do to it to 6 load it into the -- what do you do to load it into 7 the ambulance; you have to release that lever? 8 MR. LEEDBERG: Objection as to form. 9 A Yes, you have to unlock it, yes. 10 Q Okay. And then you push it into the 11 ambulance; is that what you're saying? 12 A That is correct. 13 Q Okay. And when you're coming out of the 14 ambulance and the legs lock down, that lever moves 15 into a locked position? 16 A That is -- that is correct. I've never 17 watched it. I believe it does, though. It's 18 locked when you have to load it back, so.... 19 Q Okay. Did anyone ever say to you 20 anything about that lever being bent? 21 A Never heard anything about that lever, 22 no. 23 Q Never heard anything at all about it 24 bent or not bent; is that right?</p>
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<p>1 A You know what, I don't know if you have 2 to do them both at the same time. I don't know. 3 I don't know. I've always been at one end or the 4 other, so.... 5 Q Yeah, you can't be at both ends. How 6 about the auxillary lock, do you know what that 7 does? 8 A The lock on the side? 9 Q Yeah. (Indicating.) 10 A If it's still -- still the same, it 11 just -- it locks the -- it locks the stretcher in 12 that position. 13 Q Okay. And does that move into place 14 when the legs come down? 15 MR. LEEDBERG: Objection as to form. 16 A I believe it's an automatic click, and I 17 never really paid attention to what position. I 18 just believe it lock -- I believe it moves 19 automatically. 20 Q Okay. And is that a device that would 21 release the legs so that they would fold? 22 A During loading or unloading? 23 Q Well, you can't reach it while you're 24 loading; is that right?</p>	<p>1 A Nobody said anything to me about the 2 level, no. I don't recall -- I don't remember 3 anything about the lever. 4 Q All right. Thank you. 5 MR. DURSO: Okay, I think we're 6 almost done. Just give me two minutes here 7 and.... 8 (Pause.) 9 MR. DURSO: Okay, I think I'm all 10 done with the questions I have for the witness at 11 this time, but I just want to say for the record 12 that if there's anything significant in the e-mail 13 if we get it, then I may have to ask him to come 14 back. 15 MR. LEEDBERG: Sure. We'll leave it 16 open. 17 MR. DURSO: Or I may have to go down 18 and question you in Costa Rica. 19 THE WITNESS: Well, be more than 20 happy to have you come down and question me down 21 there. You can all come down. 22 MR. LEEDBERG: If I do locate the 23 e-mail if it's still available and it's not 24 privileged, work product, or prepared in</p>

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1	anticipation of litigation, then we'll turn it	1	ERRATA SHEET
2	over --	2	I, DOMINICK CLARK TOLSON, the
3	MR. DURSO: Yeah.	3	within-named deponent do hereby certify that I
4	MR. LEEDBERG: -- and if there's any	4	have read the foregoing transcript of my
5	questions you have, we'll be happy to --	5	testimony, and further certify that said
6	MR. DURSO: Sure. I understand.	6	transcript is a true and accurate record of said
7	MR. LEEDBERG: -- meet again.	7	testimony (with the exception of the following
8	MR. DURSO: Okay. Thank you.	8	corrections listed below):
9	(Off record at 2:35 p.m.)	9	Page Line Correction
10		10	_____
11		11	_____
12		12	_____
13		13	_____
14		14	_____
15		15	_____
16		16	_____
17		17	_____
18		18	_____
19		19	_____
20		20	Signed under the pains and penalties of
21		21	perjury this day of _____, 2006.
22		22	
23		23	
24		24	DOMINICK CLARK TOLSON

  

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1	CERTIFICATE
2	COMMONWEALTH OF MASSACHUSETTS
3	BRISTOL, SS
4	
5	I, Lori-Ann London, Registered
6	Professional Reporter and Notary Public in and for
7	the Commonwealth of Massachusetts, do hereby
8	certify:
9	That, DOMINICK CLARK TOLSON, the witness
10	whose deposition is hereinbefore set forth, was
11	duly sworn by me and that such deposition is a
12	true record of the testimony given by the witness
13	to the best of my knowledge, skill, and ability.
14	I further certify that I am neither
15	related to, nor employed by, any of the parties in
16	or counsel to this action, nor am I financially
17	interested in the outcome of this action.
18	IN WITNESS WHEREOF, I have hereunto set
19	my hand and seal of office this 2nd day of October
20	2006.
21	
22	Lori-Ann London, RPR
23	Notary Public
24	My commission expires: 6/15/2012

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